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Letter dated 16 July 2003 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

I write with reference to my letter of 23 April 2003 (S/2003/461).

The Counter-Terrorism Committee has received the attached third report from Jamaica submitted pursuant to paragraph 6 of resolution 1373 (2001).

I would be grateful if you could arrange for the present letter and its attachment to be circulated as a document of the Security Council.

(*Signed*) Inocencio F. **Arias**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 11 July 2003 from the Permanent Representative of Jamaica to the United Nations addressed to the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism

In accordance with instructions from my Government, I have the honour to forward, pursuant to correspondence S/AC.40/2003/MS/OC.233 of 11 April 2003, the report by Jamaica which provides information on issues raised by the Counter-Terrorism Committee (see enclosure).

The Government of Jamaica takes this opportunity to reaffirm its cooperation with the Committee.

(*Signed*) Mrs. Norma **Taylor Roberts**
Chargé d'affaires a.i.

Enclosure

Supplementary report by Jamaica to the Counter-Terrorism Committee pursuant to Security Council resolution 1373 (2001)

1.1 Implementation measures

1.2 Outline of the proposed revisions to the Money Laundering Act and the new Terrorism Prevention Bill

Progress report on the incorporation of the requirements of sub-paragraph 1 of Security Council Resolution 1373

With respect to the general proposed revisions to the Money Laundering Act, see section 1.6 as well as Jamaica's report submitted 9 December, 2002. In that report it was noted that terrorism would be made a predicate offence under the Money Laundering Act by virtue of the Terrorism Prevention Act.

1.3 An account of proposed action to regulate alternative money transmission agencies, not only with respect to money laundering but other criminal activities generally.

A bill to amend the Bank of Jamaica Act has recently been approved by the Legislation Committee, prior to submission to the House of Representatives for enactment. Once approved, it will permit the day to day regulation of remittance agencies (money transmission agencies) by the Bank of Jamaica.

Under the Money Laundering Act, remittance service agencies are designated and, therefore, have record keeping and reporting obligations. Other activities are also covered by the Act, which regulates other entities.

1.4 Progress report on the introduction of reforms into domestic law

The Terrorism Prevention Bill is currently before the Legislation Committee for its consideration. The bill may be subject to further changes on the instruction of the Legislation Committee. In addition, it is likely that the bill may be referred to a Joint Select Committee of the Parliament for further consideration and policy direction prior to enactment.

An outline of proposed legislative measures

Jamaica intends to enact a substantive piece of legislation to address terrorist offences in compliance with the relevant international instruments and Security Council resolution 1373 (2001), as well as making consequential amendments to relevant legislation previously identified.

1.5 Explanation of how Jamaica intends to deal with freezing of funds of resident/non-resident persons/entities suspected of being linked to terrorism even if funds are of a legal origin and have not yet been used for a terrorist act.

Jamaica is considering the inclusion of a provision to permit the freezing of 'clean' funds that are intended to be used for funding terrorist acts. However, this provision has constitutional implications and will require consideration by a Joint Select Committee of Parliament.

Generally, the freezing of assets is to be addressed by the Terrorism Bill through the provision of restraint orders.

1.6 Progress report on steps being taken with respect to a monitoring mechanism to ensure that funds donated to charities are not diverted to the financing of terrorism.

The Legislative Task Force on Financial Crime has proposed various reforms which will address this issue. The presentation of the report and recommendations of the Financial Crimes Task Force to the Minister of Finance is anticipated shortly.

The recommendations include:

(i) The amendment of the Money Laundering Act to facilitate the monitoring of non-financial entities.

(ii) The registration of entities with a designated authority. The designated authority may be the Director of Public Prosecutions or the Financial Intelligence Unit (FIU).

(iii) Obligation to indicate management objectives and information for verification as to the legitimacy of the entity.

(iv) Imposition of requirements for the reporting of suspicious transactions for contributions. The FIU would issue guidelines as to what may constitute a suspicious transaction.

(v) Impose an obligation to keep proper accounts and records.

(vi) The FIU would issue guidelines. It is recommended that the FIU be empowered to inspect activities of such non-financial entities.

1.7 Outline proposed anti-terrorism legislation to criminalize the recruitment of members of terrorist groups in/outside Jamaica.

The Terrorism Prevention Bill contains a provision that makes it an offence for a person to participate or contribute to the activities of a terrorist group. Participation is defined to include recruitment of a person to receive training or to commit a terrorist act.

1.8 Measures to increase border security with a view to curtailing the illegal import and export of firearms and explosives.

In this regard, Jamaica has been tightening security at the major ports of entry. New surveillance equipment has been installed at both the ports of Kingston and Montego Bay to monitor the movement of both cargo and persons who use the ports.

Further, the Government of Jamaica recently took steps to acquire a supply of x-ray machines capable of scanning all inbound, outbound or transit containers, for the detection of firearms or other dangerous goods.

Our Coast Guard forces have also recently benefited from the provision of "go-fast" boats to assist in their patrol of Jamaica's coastline.

The Government of Jamaica has also implemented stringent measures to monitor the movement of dangerous cargo through territorial waters and into the Ports.

Shipping agents are required to provide pre-notification of ships which are carrying such cargo, especially firearms, to the Security Authorities, which must include all export, import and transshipment documents for approval, prior to said ships being allowed to offload or transfer containers in the port facilities. The consignor and consignee details, country of origin, country of final destination and all the requisite permits from all relevant national security agencies

must be produced, or permission will not be granted for the vessel to use Jamaican port facilities.

The Police are always notified of such vessels and their cargo and provide 24-hour protection for containers that will have to be in transit overnight or longer.

Record-Keeping

The Jamaica Constabulary Force currently maintains records in a central location, for all legal firearm permit holders. This includes the address and the profession of the holder, as well as a description and serial number of the weapon or weapons owned.

Firearms permits must be renewed annually by their holders. To obtain the renewal of a permit, the holder must take the weapon to the divisional police headquarters of the parish where he/she is resident, so that stringent ballistic tests can be conducted on the weapon. This is a non-derogable requirement for retaining a weapons permit.

The objective of these tests is not only to record the number of legal weapons in the country but also to determine if that particular weapon was used in any criminal activity or shooting.

National Legislation

Jamaica is a signatory to the United Nations Convention against Transnational Organized Crime and the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition and the Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials.

The Firearms Act, which governs the licensing of firearms in Jamaica, is currently being reviewed to strengthen its provisions and implement the relevant Conventions and the Protocol. Other legislation being reviewed as part of this process includes the Explosives (Control of Manufacture) Act and Gunpowder and Explosives Act.

Policy objectives include facilitating a complete inventory and audit of all licenced firearms; establishing standards for the issuance of firearms licences and a review of the appeals

procedure and its entire administrative procedure for application for firearm permits.

A new Port Security Act is to be passed shortly which will strengthen security at our ports of entry.

Destruction of Weapons

The destruction of weapons is a part of efforts of the security forces to recover illegal weapons during their operations and thereafter remove them permanently from circulation. Weapons are destroyed on conclusion of criminal litigation cases before the courts.

1.9 Progress report of enactment of draft amendments to the Mutual Assistance (Criminal Matters) Act and Extradition Act to enable compliance with resolution 1373 (2001).

These Acts have been identified for amendment to accommodate terrorist offences under the Terrorism Prevention Bill. The precise scope or language of these amendments have not yet been finalized. The immediate drafting priority has been the substantial legislation i.e. the Terrorism Prevention Bill.

1.10 Progress report on the ratification of instruments not yet ratified

Outline of provisions to give effect to those instruments in domestic legislation.

The ratification of the terrorism instruments will be effected when the Terrorism Prevention Bill is enacted to enable implementation in domestic law.

The provisions have been formulated by defining the offence in terms of the offences as stipulated by the Conventions and in terms of defined acts.

The relevant provisions of the instruments are specifically incorporated into the legislation.

1.11 How has Jamaica implemented the eight (8) international Conventions and Protocols to which it is already a party.

The following conventions are implemented by the Aircraft (Tokyo, Hague and Montreal Conventions) Act, 1984:

- Convention for the Suppression of the Unlawful Seizure of Aircraft, 1970

- Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 1971
- Convention on Offences and Certain Other Acts Committed on Board Aircraft, 1963

Amendments to this Act are anticipated to implement the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (the Montreal Protocol).